



FAQ Number: 1663

Date Published: June 08, 2010

Last Updated: June 08, 2010

Question: I have a final tiering determination and SSP deadline, but have not yet submitted my SSP. I have also made material modifications to my site. What should I do?

Answer:

In addition to the requirement to submit a revised Top-Screen when material modifications have been made, DHS advises all covered facilities who have received a final tiering determination to prepare and submit an SSP in accordance with existing Rules and Guidance, including the previously assigned SSP deadline.

If a facility has committed to the permanent removal of a COI from their facility, or to some other material modification that it believes might materially affect its security risk level, it should identify the COI removal or other material modification in its SSP as a Planned Measure in the facility's SSP submission. On the other hand, if a facility is merely considering the removal of COI, the facility should identify that measure as a Proposed Measure in its SSP.

A Planned Measure is one that the facility has committed to implement and which DHS will consider in evaluating the SSP. Planned Measures include those:

- In the process of being installed or implemented
- In the design phase with an approved and documented capital budget
- In the bid process – has been placed for bids or received bids are under review
- In a pilot phase or in execution as a demonstration project with documented implementation budget and schedule.

A Proposed Measure is one that the facility is considering but is not yet committed to actually implementing. Proposed measures include:

- New security measures the facility is considering implementing (but is not yet committed to implementing)
- Existing security measures the facility is proposing to eliminate or remove
- Existing or planned security measures the facility does not want DHS to consider during the SSP evaluation.

Proposed measures will not be considered by DHS in determining whether to approve or disapprove the SSP, but DHS will respond by advising the facility how implementation of the Proposed Measure may affect the facility's existing risk-based tier and/or compliance with CFATS.

By stating a COI has been or will be permanently removed from a facility in the SSP, or that conditions have otherwise been permanently and materially changed, the facility is then legally bound to ensure that COI is in fact never held at that facility again or that the condition or material change remains in effect unless and until DHS approves a revision to the facility's SSP. See §§ 27.210(d) and 27.245(a)(iii).